

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION

IN RE:

MARTIN LUTHER STUCKEY,

Debtor.

CASE NO. 19-55299-wlh

CHAPTER: 13

HONORABLE CHIEF JUDGE WENDY
L. HAGENAU

OBJECTION TO CONFIRMATION OF PLAN AND MOTION TO DISMISS CASE

COMES NOW The Bank of New York Mellon f/k/a The Bank of New York successor in interest to JPMorgan Chase Bank, National Association, as Trustee for GSAMP Trust 2004-SEA2, Mortgage Pass-Through Certificates, Series 2004-SEA2, (hereinafter "Creditor"), a secured creditor holding a Security Deed on real property commonly known as 445 Shannon Drive SW, Atlanta, GA 30310, and for the reasons stated below, objects to confirmation of the Plan and moves to dismiss this case, as follows:

1. Creditor anticipates filing a pre-petition arrearage claim in the approximate amount of \$55,153.28, more particularly described in the proof of claim once filed. The plan estimates the pre-petition arrearage as \$40,000.00 with monthly disbursements on this claim in the amount of \$465.00 increasing to \$700.00 to begin 2020. Debtors have underestimated the amount of the arrearage due to the Creditor. As such, Creditor objects to confirmation of the plan.

2. Creditor reserves the right to raise the failure of Debtors to have made post-petition payments, if at confirmation that appears to be the case.

WHEREFORE, Creditor prays that the Court deny confirmation of the Plan and moves to dismiss this case. Creditor prays for reasonable attorney's fees and for such other and further relief as is just and equitable.

/s/ Radha Gordon

Radha Gordon, Bar No.: 347192
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify under penalty of perjury that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that on April 22, 2019, I served a copy of OBJECTION TO CONFIRMATION OF PLAN AND MOTION TO DISMISS CASE which was filed in this bankruptcy matter on April 22, 2019, in the manner indicated:

The following parties have been served via e-mail:

Howard P. Slomka
se@myatlallaw.com

Nancy J. Whaley
ecf@njwtrustee.com

The following parties have been served via U.S. First Class Mail:

Martin Luther Stuckey
445 Shannon Drive SW
Atlanta, GA 30310

**I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.**

Dated: April 23, 2019

Signature: /s/ Tori Ward

Printed Name: TORI WARD

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